



AUSTIN CITY CLERK
POSTING: DATE/TIME

Zoning Case No. C14-2007-0225

2008 JUL 29 AM 10 37

RESTRICTIVE COVENANT

OWNER: Dessau 38 Partners, Ltd., a Texas limited partnership

ADDRESS 3839 Bee Cave Road, Suite 200, Austin, Texas 78746

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Two tracts of land consisting of a 19.869 acre tract of land and a 19.857 acre tract of land, more or less, out of the Menucan Hunt Survey No. 88, in Travis County, Texas, the tracts of land being more particularly described by metes and bounds, in Exhibits "A" and "B", incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Robert J. Halls & Associates, dated September 28, 2007, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated June 3, 2008. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

6-5-08
#63

5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 30th day of June, 2008.

OWNER:

**DESSAU 38 PARTNERS, LTD.,
a Texas limited partnership**

By: Austin Dessau, LLC,
a Texas limited liability company,
its General Partner

By: _____

Paul Joseph, Manager

APPROVED AS TO FORM:

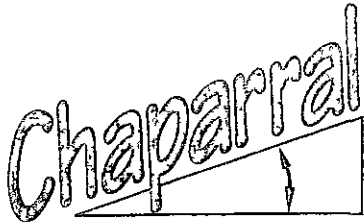
John M. ...
Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 30 day of June, 2008, by Paul Joseph, Manager, of Austin Dessau, LLC, a Texas limited liability company, General Partner of Dessau 38 Partners, Ltd., a Texas limited partnership, on behalf of the limited liability company and the limited partnership.

Patsy Bledsoe
Notary Public, State of Texas
PATSY BLEDSOE
MY COMMISSION EXPIRES
May 11, 2009



**Professional Land Surveying, Inc.
Surveying and Mapping**

EXHIBIT A

Tract 1

Office: 512-443-1724
Fax: 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

**19.869 ACRES
MENUCAN HUNT SURVEY NO. 88
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 19.869 ACRES (APPROX. 857,636 SQ. FT.) OF LAND IN THE MENCAN HUNT SURVEY NO. 88, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF 38.546 ACRE TRACT CONVEYED TO DESSAU 38 PARTNERS, LTD. IN A SPECIAL WARRANTY DEED WITH VENDORS LIEN DATED JULY 23, 2007 AND RECORDED IN DOCUMENT NO. 2007135295 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 19.869 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found in the east right-of-way line of Parmer Lane (200' right-of-way width), being a west corner of the said 38.546 acre tract, being also the southeast corner of a 1.823 acre tract of land described in Volume 12304, Page 3040 of the Real Property Records of Travis County, Texas;

THENCE North 27°59'07" East, with west line of the 38.546 acre tract, also being the east line of the said 1.823 acre tract, a distance of 400.37 feet to a 1/2" rebar found for the northeast corner of the 1.823 acre tract, being the northwest corner of the 38.546 acre tract and also being in the south line of a 66.45 acre tract described in Volume 1613, Page 459 of the Deed Records of Travis County, Texas;

THENCE South 62°03'31" East, with the north line of the 38.546 acre tract, being the south line of the said 66.45 acre tract, a distance of 1231.02 feet to a calculated point, from which an "X" in concrete found for the northeast corner of the 38.546 acre tract, being in the west right-of-way line of Dessau Road (120' right-of-way width) described in Volume 10798, Page 570 of the Real Property Records of Travis County, Texas bears, South 62°03'31" East, a distance of 523.00 feet;

THENCE leaving said common line and crossing said 38.546 acre tract, the following five (5) courses:


1. South 24°41'35" West, a distance of 564.77 feet to a calculated point;
2. North 65°15'44" West, a distance of 317.96 feet to a calculated point;
3. South 49°36'07" West, a distance of 202.30 feet to a calculated point;
4. North 40°10'28" West, a distance of 126.45 feet to a calculated point;

5. South 50°22'41" West, a distance of 235.63 feet to a calculated point on the southwest line of the 38.546 acre tract, also being in the east right-of-way line of Parmer Lane;

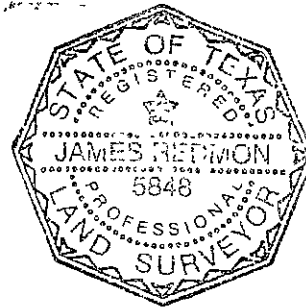
THENCE with the east right-of-way line of Parmer Lane, also being the southwest line of the 38.546 acre tract the following two (2) courses:

1. Along a curve to the right, an arc distance of 708.78 feet, a delta angle of 22°26'14", having a radius of 1809.96 feet and a chord which bears North 24°59'37" West, a distance of 704.26 feet to a TxDOT Type II Monument found;
2. North 13°30'17" West, a distance of 154.03 feet to the **POINT OF BEGINNING**, containing 19.869 acres of land, more or less.

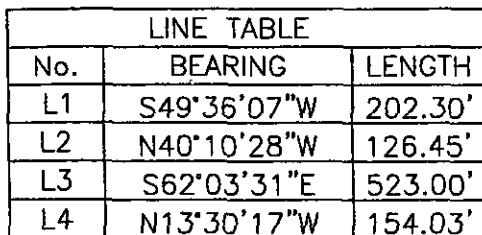
Surveyed on the ground August 2, 2007. Bearing Basis: Grid Azimuth for Texas central zone state plane coordinates based on GPS observations. Attachments: Drawing 236-019-BD1.


James Redmon
Registered Professional Land Surveyor
State of Texas No. 5848

8-3-07



66.45 ACRES
OERTLI ESTATE
1613/459



BEARING BASIS- GRID AZIMUTH FOR TEXAS CENTRAL
ZONE STATE PLANE COORDINATES, BASED ON GPS
OBSERVATION.

Chaparral

DATE OF SURVEY 08/02/07
PLOT DATE 08/03/07
DRAWING NO 236-019-BD1
PROJECT NO 236-019



Professional Land Surveying, Inc.
Surveying and Mapping

EXHIBIT B

Tract 2

Office: 512-443-1724
Fax: 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

**18.857 ACRES
MENUCAN HUNT SURVEY NO. 88
SAMUEL CUSHING SURVEY NO. 70
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 18.857 ACRES (APPROX. 821,423 SQ. FT.) OF LAND IN THE MENUCAN HUNT SURVEY NO. 88 AND THE SAMUEL CUSHING SURVEY NO. 70 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 38.546 ACRE TRACT CONVEYED TO DESSAU 38 PARTNERS, LTD. IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED JULY 23, 2007 AND RECORDED IN DOCUMENT NO. 2007135295 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 18.857 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with plastic "Bury Partners" cap found in the north right-of-way line of Parmer Lane (F.M. 734) (200' right-of-way width), being a southeast corner of the 38.546 acre tract, being also the southwest corner of Lot 1, Block "A" of the Parmer at Dessau subdivision, a subdivision of record Volume 98, Page 324 of the Plat Records of Travis County, Texas, from which a 1/2" rebar with plastic "McAngus" cap found bears, South 59°14'44" East, a distance of 207.84 feet;

THENCE with the north right-of-way line of Parmer Lane, being also the south line of said 38 546 acre tract the following two (2) courses:

1. North 59°14'44" West, a distance of 287.44 feet to a TxDOT Type II monument found;
2. With a curve to the right, with a delta angle of 23°00'19", an arc length of 726.73 feet, having a radius of 1809.96 feet and a chord which bears North 47°42'53" West, a distance of 721.86 feet to a calculated point in said line, from which a TxDOT Type II monument found on said curving right-of-way bears, North 24°59'37" West, a distance of 704.26 feet;

THENCE leaving said line and crossing said 38.546 acre tract, the following five (5) courses:

1. North 50°22'41" East, a distance of 235.63 feet to a calculated point;
2. South 40°10'28" East, a distance of 126.45 feet to a calculated point;
3. North 49°36'07" East, a distance of 202.30 feet to a calculated point;

4. South 65°15'44" East, a distance of 317.96 feet to a calculated point;
5. North 24°41'35" East, a distance of 564.77 feet to a calculated point in the north line of said 38.546 acre tract, being also the south line of a 66.45 acre tract of land described in Volume 1613, Page 459 of the Deed Records of Travis County, Texas, from which a 1/2" rebar found bears, North 62°03'31" West, a distance of 1231.02 feet;

THENCE South 62°03'31" East with the south line of the 66.45 acre tract, being also the north line of the 38.546 acre tract, a distance of 523.00 feet to a "X" in concrete found for the northeast corner of the 38.546 acre tract, being also the southeast corner of said 66.45 acre tract, being also the west right-of-way line of Dessau Road (120' right-of-way width);

THENCE with the east line of the 38.546 acre tract and the west right-of-way line of Dessau Road, the following three (3) courses:

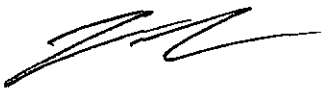
1. With a curve to the right, with a delta angle of 04°56'54", an arc length of 654.59 feet, having a radius of 7579.44 feet and a chord which bears South 21°40'28" West, a distance of 654.38 feet to a 1/2" rebar with plastic "Bury Partners" cap found;
2. South 24°03'34" West, a distance of 249.95 feet to a 1/2" rebar found;
3. South 24°21'03" West, a distance of 44.58 feet to a 1/2" rebar with plastic "Bury Partners" cap found for a southeast corner of said 38.546 acre tract, being also the northeast corner of said Lot 1, being also a point in the west right-of-way line of Dessau Road, from which a 1/2" rebar with plastic "McAngus" cap found bears, South 24°21'03" West, a distance of 199.50 feet;

THENCE with the north line of said Lot 1, being also the south line of said 38.546 acre tract the following two (2) courses:

1. North 59°13'23" West, a distance of 210.02 feet to a 1/2" rebar found;

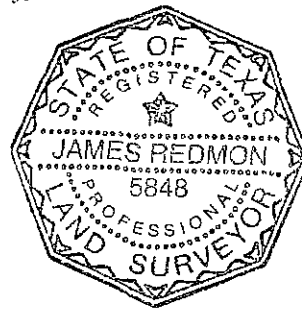
2. South $23^{\circ}43'57''$ West, a distance of 199.84 feet to the **POINT OF BEGINNING**, containing 18.857 acres of land, more or less.

Surveyed on the ground August 2, 2007. Bearing Basis: Grid Azimuth for Texas central zone state plane coordinates based on GPS observations Attachments: Drawing 236-019-BD2.



8-3-07

James Redmon
Registered Professional Land Surveyor
State of Texas No. 5848



SKETCH TO ACCOMPANY A DESCRIPTION OF 18.857 ACRES (APPROX. 821,423 SQ. FT.) IN THE MENUKAN HUNT SURVEY NO. 88 AND THE SAMUEL CUSHING SURVEY NO. 70, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 38.456 ACRE TRACT CONVEYED TO DESSAU 38 PARTNERS, LTD. IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED JULY 23, 2007 AND RECORDED IN DOCUMENT NO. 2007135295 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

66.45 ACRES
OERTLI ESTATE
1613/459

N62°03'31"W 1231.02'

S62°03'31"E 523.00'

LINE TABLE

No.	BEARING	LENGTH
L1	N59°14'44"W	287.44'
L2	S40°10'28"E	126.45'
L3	N49°36'07"E	202.30'
L4	S24°21'03"W	44.58'
L5	N59°13'23"W	210.02'
L6	S23°43'57"W	199.84'
L7	S59°14'44"E	207.84'
L8	S24°21'03"W	199.50'

LEGEND

- 1/2" REBAR FOUND
- ⊙ CAP 1/2" REBAR WITH CAP FOUND
- CALCULATED POINT
- ⊗ X IN CONCRETE FOUND
- ⊙ TxDOT TYPE II DISK FOUND

SAMUEL CUSHING
SURVEY NO. 70

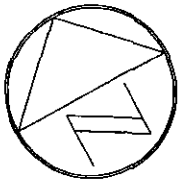
MENUKAN HUNT
SURVEY NO. 88

C4
DESSAU ROAD
(120' RIGHT OF WAY)
(10798/570)

38.546 ACRES
DESSAU 38 PARTNERS, LTD
2007135295

18.857 ACRES
(APPROX 821,423 SQ. FT.)

38.546 ACRES
DESSAU 38 PARTNERS, LTD
2007135295



1"=200'

C1
PARMER LANE
(200' ROW)

P.O.B.

LOT 1,
BLOCK "A"
PARMER
AT DESSAU
SUBDIVISION
98/324

B&P
CAP

L4 S24°03'34"W
249.95'

B&P
CAP

L8

L7 McAngus
CAP

CURVE TABLE

NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING
C1	23°00'19"	1809.96'	368.33'	726.73'	721.86'	N47°42'53"W
C2	22°26'14"	1809.96'	358.99'	708.78'	704.26'	N24°59'37"W
C4	4°56'54"	7579.44'	327.50'	654.59'	654.38'	S21°40'28"W

BEARING BASIS GRID AZIMUTH FOR
TEXAS CENTRAL ZONE STATE
PLANE COORDINATES, BASED ON
GPS OBSERVATIONS

ATTACHMENTS METES AND BOUNDS
DESCRIPTION 236-019-BD2

DATE OF SURVEY 08/02/07
PLOT DATE 08/03/07
DRAWING NO 236-019-BD2
PROJECT NO 236-019

Chaparral

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Legal Assistant

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2008 Jul 08 01:26 PM 2008115264

GONZALES M \$52 00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS